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Lineages of Citizenship in Montenegro

Jelena Džankić

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University of Edinburgh, School of Law
The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia
(CITSEE)

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Lineages of Citizenship in Montenegro

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Abstract

This paper explores the evolution of citizenship policies in Montenegro. It employs Richard Bellamy's concept of the lineages of citizenship, which analyses the normative aspects of citizenship by looking at interactions between 'state and society within a given national political community'. In unveiling the processes and the context that shaped the Montenegrin citizenship policies at different times, the paper examines the active relationship between three major aspects of citizenship: legal, political and identity/emotional. Following a historical overview of the development of citizenship policies, this paper focuses on the recent political circumstances that have shaped the normative aspects of citizenship. As such, it also triggers questions about what layer of identity the citizenship legislation in fact encapsulates. The final part of the paper examines the multivalence of citizenship in the context of Europeanisation. Transiting 'the European route' has, in fact, recalibrated the relationship between the legal, political and emotional/identity aspects of citizenship in Montenegro.

Keywords:

Montenegro, citizenship, identity, politics, lineages, multivalence, Yugoslavia, Roma, Europeanisation

Introduction

The disintegration of the former Yugoslavia brought seven states into being. The differences in how these states defined themselves legally and politically and in how they constructed their perceived ethnic/national identity, had a large impact on the concept of citizenship. Such was the case of Montenegro, the smallest of the former Yugoslav republics, which carved its statehood out of the dissolution of two federations and one state union,² in the past two decades. From 1997 until the country became independent in 2006, Montenegrin politics was dominated by strong internal divisions over whether Montenegro should be an independent state or not and an equally intense discord over whether Montenegrins were a separate nation or a sub-group of Serbs (Morrison 2009). As a result of such divisions, the post-independence politics in Montenegro exhibit a strongly 'nationalizing' character

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² The Socialist Federal Republic of Yugoslavia, the Federal Republic of Yugoslavia, and the State Union of Serbia and Montenegro.

(Brubaker 1996). The restrictive Montenegrin citizenship regime is a consequence of the country's political trajectory.

This paper argues that citizenship policies in Montenegro were generated by the political circumstances surrounding their adoption as tools of political manoeuvring. Citizenship policies changed in content as a consequence of the changes of the political environment. As argued in an earlier paper by this author, in contrast to other successor states of the former Yugoslavia, citizenship was not a mechanism of ethnic homogenization (Džankić 2010). This is so because the idea of citizenship possesses the trait of multivalence, i.e. the possibility to be framed within the legal, political and emotional realms of a polity (Shafir 1998: 23-24). In newly emerged states, these realms are unconsolidated. Thus, citizenship,³ rather than having separate 'instrumental' and 'emotional' roles (Brubaker 1992), becomes a *modus operandi* for the complex dynamic between the individual and the polity (or indeed polities), while integrating the sentiments of belonging into that dynamic.

This paper will build on Bellamy's (2004: 5) concept of the lineages of citizenship, which analyses the normative aspects of citizenship by looking at interactions between 'state and society within a given national political community'. This theoretical framework explores the active relationship between three major aspects of citizenship: legal, political and identity/emotional, which are the main subjects of this study. The underlying question generated by this approach concerns the extent to which the political circumstances have shaped the normative aspects of citizenship, and – in turn – triggers questions about what layer of identity the citizenship legislation in fact encapsulates. As such, it gives substance to Boll's claim that the legal realm reflects the interplay between nationality and the status of citizenship (2007: 85), while accounting for the different views on the role of identity in these processes.

The first part of this analysis contextualises citizenship within the historical processes of reconstruction of statehood and identity, with a particular emphasis on the post-1991 period. At the time of the dissolution of the former Yugoslavia, Montenegro was the only republic to opt to remain in the common state with Serbia, thus establishing the Federal Republic of Yugoslavia (FRY) in 1992. Citizenship remained undefined in the FRY until mid-1996, largely due to Slobodan Milošević's expansionist policies towards the rest of the former Yugoslav federation.⁴ Late 1996

³ In the academic literature, the term nationality is often used to denote the relationship between the individual and the state. Due to the allusions on national identity that this term brings, the more appropriate term 'citizenship' is used. The term 'nationality' is used exclusively when referring to concepts that are termed so in the academic literature used for the purpose of this essay, or in law (e.g. European Convention on Nationality, Bar-Yaacov's view of dual nationality, etc.).

⁴ By 1996, the direct expansionist policies of Milošević towards Bosnia and Herzegovina and Croatia had largely failed. A further aspect of this new expansionism of Milošević was mirrored through the status of Serb refugees from Croatia and Bosnia and Herzegovina, who became *de facto* stateless and as such hostages to Serb politics. The fact that a significant number of Serb refugees settled in Vojvodina, Kosovo and Montenegro (which were all minor in terms of population to Serbia), thus changing ethnic balances therein, helped the reflection of this policy within the FRY. At the same time,

and early 1997 marked the end of the monolith of the ruling Montenegrin political party – the Democratic Party of Socialists (DPS). Following several months of internal turmoil, the party split in two, with the DPS opposing Milošević's policies and the Socialist People's Party (SNP) supporting them. In the decade following the split, and in particular after the fall of Milošević in 2000, the political contest between these two factions manifested itself as the quest for Montenegrin statehood and nationhood.⁵ As a part of this process, the ruling DPS enacted a series of republican laws, which stood in conflict with the centralising federal (FRY) policies. The 1999 Montenegrin Citizenship Act openly collided with the 1996 Yugoslav Citizenship Act. With the definite turn of the ruling DPS towards independence, citizenship became not only a matter of formal legal membership in the (Montenegrin) polity, but also a form of expressing belonging and allegiance to that polity.

Yet not only does the notion of citizenship represent the idea of membership in a polity in both its legal and emotional aspects, but it also establishes the prerogatives for the conferral of political rights and obligations upon the members of that polity (Marshall & Bottomore 1997; Held 1991). Consequently, citizenship is intimately related to political participation, through which individual members of the community exercise their will, which is eventually translated into political power. Given the small size of Montenegro, and its political course, the issue of voting arithmetic has been of particular significance. Therefore, access to citizenship, and the relationship between citizenship and the individuals' perceived ethnic or national identities - the combination of which would decide who could vote and for whom - were among the key issues debated in light of the Montenegrin referendum in 2006.

The second segment of this analysis is the citizenship regime in the new state; this reveals the complex dynamics between politics, law and identity. Due to the political divisions over statehood and nationhood, the draft of the 2008 Montenegrin Citizenship Act was pending for adoption for almost two years after Montenegrin independence. Compared with other Citizenship Acts from Montenegrin history, the 2008 Citizenship Act explicitly defines citizenship as the legal relationship between individuals and the state, while circumventing the membership in an identity community (e.g. ethnic or national identity). This fact is particularly relevant, given the conundrum over nationhood in Montenegro, and the government's rhetoric of the 'civic' nature of the Montenegrin state.

The final section of this paper focuses on the effects of the process of Europeanisation on the current citizenship regime in Montenegro. Europeanisation here is understood in line with Radaelli's definition, which presupposes 'a process

the 1996 FRY Citizenship Law established clear primacy over republican citizenship, thus reaffirming the federal grip over Montenegro.

⁵ The nationhood issue revolved around the question whether Montenegrins were Serbs or a separate nation. The political camp led by the ruling DPS grew into the pro-independence (pro-Montenegrin) bloc, while the opposition clustered around the unionist (pro-Serb) bloc. The political strength of the two blocs was rather balanced, with the pro-independence camp exceeding the 55 per cent threshold for independence by a small margin of 0.5 per cent of votes.

involving, a) construction, b) diffusion and c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, “ways of doing things” and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures and public choices’ (2004: 3). Yet, Europeanisation in Montenegro, and in most of the other successor states of the former Yugoslavia that are in the process of accession to the EU,⁶ is related to the set of norms, principles and criteria a country is expected to fulfill in light of its membership into the wider European family. Democratically elected and stable institutions, the rule of law, and the respect of human and minority rights are all enshrined in the political criteria for EU membership that dates back as far as 1993. Ostensibly, Europeanisation has produced a major step towards liberalising the restrictive Montenegrin citizenship legislation, but the complex interplay between politics, law and identity still poses a barrier to citizenship to certain groups in society. Hence the idea of a ‘borderless Europe’ has conceived the ‘border-more Balkans’.

2 Citizenship, Disintegrations and New States

The understanding of the finely tuned relationship between the legal, political, and identity aspects of citizenship in Montenegro, presumes an awareness of the social and political conditions that shaped the citizenship policies in Montenegro at various historical moments. In this context, two points are particularly relevant and help to differentiate the development of Montenegro from the other former Yugoslav republics. First, throughout history, identity in Montenegro was dual: that is, the denominations ‘Serb’ (as ethnic category) and ‘Montenegrin’ (as both ethnic and regional category) both existed, but were not considered mutually exclusive. This fact is particularly relevant in describing citizenship as membership of an identity community. Second, unlike many of the successor states of the former Yugoslavia, Montenegro had a history of independent statehood, which generated a different trajectory for the legal system in Montenegro from the ones in the former Yugoslav lands that were dominated either by the Ottoman Empire or by Austria-Hungary (see Sarajlić 2010; Krasniqi 2010; Spaskovska 2010; Štiks 2009).

Citizenship in Montenegro, both in terms of membership of the Montenegrin community and in terms of law, was rather vague prior to the establishment of Yugoslavia in 1918. Montenegro, located at the intersection between three major spheres of influence of the European powers (Austria-Hungary, the Ottoman Empire and Russia), did not develop as a compact socio-political unit until the late eighteenth century. Rather, societal and political organisation in Montenegro was

⁶ Slovenia became an EU Member State on 1 January 2004. Certainly, Slovenia, along with the other 26 Member States of the EU is also subject to the process of continuous Europeanisation. However, Europeanisation in this paper is understood predominantly in the context of pre-accession political conditionality.

based on the notion of the tribe, which was a 'military, political and moral collective' (Jovanović 1995: 65). Conflicts between tribes, and their perpetual zeal for influence, prevented not only the establishment of a single pervasive culture (Gellner 1986), and thus the consolidation of national sentiments, but also the construction of an administrative and legislative framework that characterises sovereign states.

With the strengthening of the rule of the Petrović dynasty in the early nineteenth century, Montenegro began to develop a relationship between the populace and the state (Roberts 2007). The strivings of the Petrović rulers to placate and unify the divided tribes resulted in the adoption of a series of laws that posited the administrative pillars of Montenegro and defined the relationship between territory and descent (see Džankić 2010). However, since the church was not separate from the state until 1851, the dominant rhetoric of the Petrović dynasty was tinted with a strong shade of identification with Orthodox Christianity because Montenegro's institutions were supported by the Russian Orthodox Church that sought to project its influence on a land situated between Austria-Hungary and the Ottoman Empire. The Petrović rulers' concurrent use of the denominations 'Montenegrin' and 'Serb' when referring to the Orthodox population in Montenegro left a sufficient margin for the sentiments of belonging to be reinterpreted throughout history and in recent years.

The identity conundrum thus created had severe repercussions on internal Montenegrin politics particular in the three decades preceding the creation of Yugoslavia, during the reign of Nikola I Petrović. The Congress of Berlin in 1878 brought about not only the formal recognition of statehood, but also a significant increase in the Montenegrin territory, after the acquisition of the towns of Andrijevica, Bar, Kolašin, Nikšić, Podgorica, Spuz, Ulcinj and Žabljak. The increase in the population of Montenegro followed the country's territorial expansion, causing change in its economic, social and religious composition (Rastoder 1998: 1-3). The expansion of Montenegrin territory invigorated the aspirations of Nikola I to unify the South Slavs under his crown (Vujović 1962: 44). Cherishing close ties with the Serbian rulers, Nikola I often referred to the idea of 'Serbdom' in the attempt to realise his expansionist goals (Jovanović 1995: 302-320). Yet, with the consolidation of national sentiments in Serbia in the second half of the nineteenth century, which was not followed by corresponding developments in Montenegro, Serbian politics came to dominate the Montenegrin political milieu. The exile of Nikola I in 1916, and the subsequent Assembly of Podgorica of 1918,⁷ led to the loss of statehood and the 'unconditional unification of Montenegro and Serbia [under a Serbian crown]' in light of the creation of the first Yugoslav state (Vujović 1962: 46).

After the Yugoslav unification, Montenegro was consumed by internal clashes between the movements to re-establish Montenegrin statehood within the Kingdom of the South Slavs, asserting thus the separateness of the Montenegrin nation and the

⁷ The Assembly of Podgorica is a much disputed event in Montenegro's history. For a detailed debate over the legality of the decisions reached at the Assembly, see Vujović 1962.

proponents of the status quo who believed that Montenegrin nationhood was a fragment of the greater Serbian nation (Banac 1984). Within this context, the Citizenship Act of 1929 established a single Yugoslav citizenship as a means of reaffirming Yugoslav national identity and the unitarist grip of the Serbian king over the Yugoslav state. The centralised policies of the first Yugoslav Kingdom ostensibly subdued the identity schism in Montenegro. However, they generated internal political fragmentation and ultimately a series of internal conflicts in Montenegro that lasted until the collapse of the Kingdom during the Second World War (Rastoder 1998).

The common state of the South Slavs was restored in 1945 under the name of the Democratic Federal Yugoslavia (renamed the Federal People's Republic of Yugoslavia on 29 November 1945). The Constitution of 1946 recognised the existence of five nations (including Montenegrins), and the borders of the constituent republics largely reflected the predominant national groups that lived therein (aside from Bosnia and Herzegovina, due to its multinational character). Nevertheless, during the socialist period, national identity in Montenegro was far from consolidated (Đilas 1947: 3-4). In fact, the political decision to grant Montenegro the status of a republic was aimed at placating the differences that existed among the population in the interwar period. The conundrum over Montenegrin and Serb identity persisted (Morrison 2009), but was encapsulated in and concealed by the blanket of Yugoslavism.

A major factor that aided the appeasement of the identity division in Montenegro was the Yugoslav constitutional establishment.⁸ The decentralised Yugoslav model allowed for the flourishing of separate identities in the republics, while the two-tiered citizenship regime (federal and republican) provided the legal framework in which the dynamics between the individuals and their membership communities could be played out. Yet, until the late 1980s, the republics' citizenship acts did not have strong implications for communities of membership. That is, republican citizenship presented a link with territory rather than (ethnic) belonging. However, the republican citizenship acts catalysed the political processes in Yugoslavia. They reaffirmed the quasi-statehood of the republics in Yugoslavia, which were in charge of regulating citizenship matters (naturalisation, keeping registers, issuing republican identity cards and Yugoslav passports with republican codes and serial numbers). Given that only republic-level registers of citizens existed

⁸ During its existence, Yugoslavia adopted three citizenship acts - in 1945 (enforced in 1946), in 1964, and in 1976 - that mirrored the constitutional changes that took place in the state of the South Slavs. The first Citizenship Act of the post-war Yugoslavia established the category of republican citizenship (art. 1, arts. 28-34) as the second tier of citizenship. Given that federal citizenship had primacy over the republican ones, the Citizenship Acts adopted by Montenegro in 1950 and 1965 merely mirrored the federal citizenship provisions. The Citizenship Act of the Socialist Republic of Montenegro was enacted on 27 May 1975, eighteen months prior to the adoption of the Citizenship Act of SFR Yugoslavia. This fact made Montenegro the first among the Yugoslav federal republics to have adopted new citizenship legislation (see Džankić 2010).

until 1991, the citizenship of a number of people depended on the poorly kept registers (Štiks 2006). This fact, coupled with complex (and often sloppy) administrative procedures, took its toll at the time of the disintegration of Yugoslavia. It caused difficulties in the determination of people's status and resulted in numerous cases of statelessness.

2.1 The first dissolution: the problem of state succession, citizenship in times of war

Citizenship displays its multivalent nature most in unstable political contexts. The fall of the Iron Curtain and the break-ups of multinational federations in post-communist Europe were followed by the salience of citizenship both as a determinant of membership to a community and as a prerequisite for the exercise of political rights. The link between the normative aspects of citizenship and these issues is nicely mirrored in Katherine Verdery's observation that 'the process of writing new constitutions enabled ambitious politicians to manipulate the very definition of citizenship' (1998: 294). The normative reinvention of post-communist states through what Hayden (1992) termed as 'constitutional nationalism' did not only seek to establish a congruence between the boundaries of states and the predominant ethnic groups living therein, but it also aimed at excluding those groups who posed a 'threat' to the unconsolidated polities by virtue of their association with the dissolved (or dissolving) state.⁹ The most obvious consequence of this dynamic was the radical increase in the number of stateless persons in the successor states of the 'fallen' federations, because many people considered citizens in the old state were not granted access to citizenship in the new one (Weissbrodt 2008: 94).

The interplay between the normative, political and identity aspects of citizenship in Montenegro largely fit into this paradigm. However, the political trajectory of the country following the disintegration of Yugoslavia placed citizenship at the core of the processes of 'ethnic engineering' (Štiks 2010), de-ethnicisation and re-ethnicisation (Joppke 2001), each of which gained salience at different political moments. The collapse of communism moved the 'Montenegrin pendulum from one nexus of power to another' (Radonjić 1998: 25). The change in the structure of the communist leadership in Montenegro at the time of the 'anti-bureaucratic revolutions' of 1988 and 1989 paved way to Milošević's growing control over Vojvodina, Kosovo and Montenegro. The newly emerged leaders in the League of Communists of Montenegro drew their political strength from their association with Milošević, whose rhetoric was particularly appealing in Montenegro due to the overlapping of the different aspects of 'Serb' and 'Montenegrin' identity.¹⁰ The fact

⁹ The most cited examples include Slovenia (successor state of Yugoslavia), and Estonia and Latvia (Baltic states).

¹⁰ At the 1991 population census in Montenegro, 69.1 per cent of the people identified with the Eastern Orthodox Church. Out the share of Christian Orthodox followers, 83 per cent defined themselves as 'Montenegrins', 15 per cent as 'Serbs' and 2.7 per cent as 'Yugoslavs'. According to the 2003 census,

that the elites in the first half of the 1990s did not emphasise the difference between the two counterparts of Montenegrin identity helped to preserve the populist movement driven by Serbian nationalism.

The main outcome of these political developments was the decision¹¹ of the Montenegrin population to remain in the common state with Serbia. The new state - the Federal Republic of Yugoslavia (FRY) – adopted its Constitution of on 27 April 1992. The FRY Constitution retained the two-tiered citizenship system of the SFRY. The federal citizenship clearly superseded the republican norms (art. 17). The 1992 FRY Constitution posited that a separate law would be adopted in order to regulate the issue of the federal citizenship in more detail. This law was adopted only in 1996, in contrast to the practices in the other former Yugoslav republics, which adopted their citizenship legislation shortly after the disintegration. The policymakers in the FRY sought to circumvent clear legal definitions of citizenship policies prior to the conclusion of the wars of Yugoslav disintegration. This avoidance, in turn allowed them a greater margin of manoeuvre when it comes to ethnicity and citizenship, both particularly malleable at the time of ethnic conflicts.

The absence of legislation in the years when the FRY was waging wars in Croatia and Bosnia and Herzegovina with the idea of uniting Serb-controlled territories in these countries with Serbia and Montenegro paradoxically fits Štiks's claim that new laws in the successor states of the former Yugoslavia were 'an important part of the general strategy of ethnic engineering and redesigning populations of the successor states to solidify their ethnonational core groups' (2006: 484). There are two reasons for the paradoxical congruence of these claims. First, the long drawn out process of adopting the FRY citizenship legislation left enough room to political craftsmen to manoeuvre the ethnically Serb population that fled from Bosnia and Herzegovina and Croatia into the FRY. The redirection of these people towards Kosovo, Vojvodina and Montenegro and especially to the municipalities where ethnic Serbs were in minority (Rava 2010: 10-11) was in line with Serbia's expansionist policies when Milošević was in power. That is, changing the ethnic composition of the parts of the FRY which contained different ethnic groups was a means of co-opting territory through the cooption of the population. Second, the FRY, as much as it was normatively defined as a federation, functioned as a unitary state. The Serbian

Orthodox Christianity remained the dominant religion in Montenegro (74.2 per cent). Out of that number, 52.5 per cent were 'Montenegrin', while 42.7 per cent were 'Serb'. Thus, the overall number of Orthodox Christians did not change significantly, and neither did the overall number of the inhabitants of Montenegro. However, the ascription into 'national' categories among the Eastern Orthodox followers did. This implies that: 1) the change in the numbers was the product of the change of content of the identity categories 'Montenegrin' and 'Serb' over the years; 2) the category 'Montenegrin' in 1991 contained elements of both 'Montenegrin' and 'Serb' identity – as perceived in 2003. For census data see Federal Statistical Office, *Population Census 1981, 1991*; Zavod za Statistiku Crne Gore, *2003 Population Census of Montenegro*.

¹¹ A referendum was held in Montenegro on 1 March 1992. At the referendum, 95.4 per cent of the 66 per cent turnout (minorities and the Liberal Alliance boycotted the referendum) voted for the preservation of the common state 'with all other republics wishing to do so' (ICG 2000: 6).

ethnic/national group was manifestly dominant in the FRY, because of the size of Serbia, the allegiance of the Montenegrin leadership with Milošević, and the dual identity of the people in Montenegro. Hence, what Štiks (2006) termed as 'ethnic engineering' was also a *sui generis* re-ethnicisation of the FRY in the context of the aspirations of Milošević's regime, his followers, and many of his nationalist political opponents.

In fact, a number of Serb refugees from Bosnia and Croatia had settled in the FRY by the time of the adoption of the 1996 FRY Citizenship Act. The FRY Citizenship Act stipulated that only the people in possession of republican citizenship of Serbia and of Montenegro on the day of the adoption of the FRY Constitution (27 April 1992) would be entitled to federal citizenship, along with the people from other former Yugoslav republics permanently settled in the FRY, provided that they did not have another citizenship. Special provisions were made for the 'acceptance' of 'refugees, expelled or displaced persons who resided on the territory of Yugoslavia, or who have fled abroad' (art. 48) conditioned on the statement of reasons for taking refuge. At that time the federal Ministry of Interior decided upon such petitions for citizenship. In fact, as noted by Štiks, this was the 'deliberate political manipulation of the refugee problem' (2010: 14), which held the refugees hostage to FRY politics. In addition, the transitory provisions of the FRY Citizenship Act of 1996 also stipulated a special arrangement for the citizens of other republics of the former Yugoslavia who were part of the military personnel of the former Yugoslav federal army and continued to serve in the new FRY army (art. 47), which is an indicator of the intimate relationship between citizenship and conflict.

Due to the absence of a state and nation building moment that characterised the post-communist transition in Europe, many of the policies adopted in Montenegro, including the ones referring to citizenship, clearly reflected the wartime circumstances on the territory of the former Yugoslavia in the first half of the 1990s. Montenegro did not enact any separate republican Citizenship Act in the early 1990s.¹² The fact that Serbia did not do so either corroborates the previous claim that in addition to the adoption of laws, the protraction in their adoption was a mechanism of 'ethnic engineering' for the Serbia-dominated FRY in this period, and a political tool for the Montenegrin leadership affiliated with Milošević.

In the context of conflict and disintegration, the link between citizenship and compulsory military duty reaches the core of political processes. All male Yugoslav, and thus Montenegrin, citizens above the age of 18 at the time were required to serve in the Yugoslav army.¹³ They were also required by law to respond to the call to war:

¹² The Constitution of the Republic of Montenegro, enacted on 12 October 1992 established the category of Montenegrin citizenship as the second tier of citizenship in the FRY.

¹³ JNA was the name of the military force of the former Yugoslavia. JNA, dominated by Serbian and Montenegrin soldiers, engaged in wartime activities in Bosnia and Herzegovina and Croatia in 1991 and 1992. JNA officially withdrew from Bosnia and Herzegovina on 19 May 1992, and ceased to exist a day later. The JNA transferred most of its infrastructure and personnel to the Croatian Serb and Bosnian Serb armies, serving Milošević's expansionist aims. After the disintegration of Yugoslavia, the

war, which for many Montenegrins, revived myths of heroism and glory that are much enshrined in Montenegro's history. Consequently, not only was citizenship used as a political tool, or a mechanism of ethnic craftsmanship, but also – in concert with expansionist political ambitions – it became a powerful weapon of war.

2.2 The second dissolution: citizenship in the statehood vs. identity tangle

Although the FRY did not formally dissolve until 3 June 2006, by the time the 1996 Citizenship Act entered into force, political circumstances in the FRY had significantly changed. A part of the Montenegrin ruling elites departed from Milošević's politics. The tensions over the identity of the people in Montenegro were resurrected as catalysts of political struggles that were taking place both within Montenegro and between Montenegro and Serbia. Within this context, the Law on Montenegrin Citizenship, enacted on 1 November 1999 is a clear example of the multivalent nature of citizenship. This multivalence of citizenship was discerned at three levels: 1) citizenship became a determinant of political participation, and thus pivotal in the voting arithmetic; 2) citizenship became a political tool for the elites in their project of 'creeping independence';¹⁴ and 3) citizenship became an identity marker as it generated the ascription of individuals to a specific identity community.

The different aspects of citizenship became a crucial factor in determining electoral outcomes in the years following the bifurcation of the DPS. The rupture of the DPS split the Montenegrin political scene between the supporters of Milošević (after 2000 the pro-union camp) and the opponents of the regime in Belgrade (after 2000 the pro-independence camp). The margins by which the opponents of the Milošević regime won the elections in Montenegro have been rather small since 1997. As a consequence, the provisions of the 1999 Law on Montenegrin Citizenship posited a rather restrictive citizenship regime, given that prior to the new legislation the combination of federal citizenship and two years of residence in Montenegro conferred the right to political participation. The 1999 Law specified a ten year residence criterion for naturalisation of foreigners living in Montenegro.¹⁵ The stringent provisions for naturalisation posed a barrier to citizenship, and thus to political participation, to a large number of displaced persons from Croatia and Bosnia and Herzegovina. The people who sought refuge in Montenegro at the time of conflicts in the former Yugoslavia were predominantly of Serb ethnicity. Thus, they were more likely to vote for the political faction that supported Milošević and – after his ouster – the common state with Serbia.

Yugoslav Army (VJ) became the military of the FRY, but it did not officially participate in the conflicts. However, military help from Serbia to Croatian and Bosnian Serbs continued throughout the war. The Yugoslav Army retained numerous resources of the former-Yugoslav JNA. Conscription was compulsory in both JNA and VJ.

¹⁴ This term was coined by Elizabeth Roberts (2002) to denote the way in which Montenegro detached from the federal institutions of the FRY in the period from 1997 to 2000.

¹⁵ Reduced to five years in cases of spouses of Montenegrin nationals (art. 9).

The relation between citizenship and political participation came to the spotlight after the transformation of the FRY into Serbia and Montenegro in 2002. The legislation of the 'transformed' state stipulated a clear link between the voting rights and citizenship. Citizens of Serbia and of Montenegro had equal rights and duties in the other state, apart from electoral rights (art. 7). This fact was extremely significant at the time of the 2006 referendum on independence in Montenegro, and in the pre-referendum debate.¹⁶ The importance of the number of people who could take part in the political processes in Montenegro is best seen in the referendum results. Effectively, the number of voters that supported Montenegro's independence exceeded the required threshold of 55 per cent set by the European Union by 2,095 votes, or 0.5 per cent (CDT 2006). Thus, citizenship policies were pivotal for the arithmetic of voting.

The 1999 Law on Montenegrin Citizenship is also an example of how legislative measures were used to detach competences from the federal level as part of a process of 'creeping independence'. The adoption of the 1999 Law on Montenegrin Citizenship was preceded by the decision of the Montenegrin government, reached in mid-May 1999, to abolish visas for foreigners (*Pobjeda*, 17 May 1999). The requirement for obtaining visas prior to the entry into the FRY remained in place, as did the same requirement for Serbia, which indicates the tensions between the two components in the federation (ESI 2001). More importantly, at that time when this measure was instituted, the NATO was conducting its intervention in the FRY, and Montenegro abolished the compulsory military duty for its citizens to serve in the Yugoslav Army during the conflict in Kosovo in 1998 and 1999. Thus, the situation was contrary to the one in the early 1990s, when the link between citizenship and military duty was used as ammunition for the joint operations of Serbian and Montenegrin forces in Bosnia and Herzegovina and Croatia.

The Law on Montenegrin Citizenship that followed shortly after the NATO intervention in the FRY challenged the centralisation of the FRY under Milošević. It was in conflict with the Yugoslav Citizenship Act of 1996, because it provided for the acquisition of the republican citizenship without the prior or simultaneous acquisition of the federal one. According to European Stability Initiative the 1999 Law on Montenegrin Citizenship 'reads as if Montenegro were an independent state, and refrains from defining Montenegrin citizenship as subsidiary to Yugoslav

¹⁶ At the time of the pre-referendum debate, then President of Serbia – Vojislav Koštunica – requested that over 264,802 Montenegrins residing in Serbia receive voting rights in Montenegro. Because the voting population of Montenegro stood at 457,633 such a major addition of voters would have significantly affected the results of the plebiscite (voters from Serbia were likely to vote for the preservation of the common state). However, the request of Vojislav Koštunica was a political one and there were no legal grounds for it to be applied in Montenegro. The Montenegrin Law on the Election of Representatives and Deputies links voting rights (the same provisions applied to the Referendum Law of 2005) to both Montenegrin citizenship and residence. Only the people who resided in Montenegro for twenty four months before the elections could take part therein (art. 11).

citizenship' (2001: 2). However, at that time, Montenegro's independence was not a priority on the government's agenda; rather, it was the decentralisation of the FRY.

The aggregate of these decentralising policies eventually provided a push towards independence for the Montenegrin political elites after the fall of Milošević in 2000. With the increase in the independence drive of the DPS, the dynamic between citizenship, politics and identity became as pronounced as ever. In the tight political contest in Montenegro, the issues of identity became intimately related to individuals' political choices. The supporters of the ruling DPS-led coalition, and subsequently the independence idea, identified themselves as 'Montenegrins'.¹⁷ By contrast, the then SNP-led opposition, which supported the common state with Serbia, belonged to the ethnic/national corpus of 'Serbs'. Hence the notion of citizenship – that is – the link with the state was often confused with ethnic/national identity. As a result, citizenship became an identity marker, because in addition to creating a link between the individual and the polity, it also ascribed the individual to an identity community (depending on what political entity, Montenegro or the Union with Serbia, the citizen saw as primary).

3 Politics and Citizenship in the New State

With the mushrooming of states in the post-communist Europe, matters of status, access and membership became key elements of state and nation building processes. The legal aspect of citizenship conferred rights upon citizens, and established prerogatives for their participation in the functioning of the polity. The political aspect of citizenship, which entails active participation, translated the individual's preferences in political power. In the Balkans, voting for a certain political party is often seen as an affirmation of an individual's ethnic or national belonging in addition to being a declaration of an ideological standpoint (although the degrees of this nuance differ from country to country).¹⁸ Therefore, the active (participatory) element of citizenship ascribed individuals to communities of membership, thus becoming an identity marker.

3.1 Citizenship and participation

Montenegrin independence has altered the nature of elections. After the adoption of the Constitution of Montenegro in October 2007, and the Montenegrin Citizenship Act of 2008, two major elections have taken place: the presidential elections of April 2008 and the parliamentary elections of March 2009. The issue of who could (and

¹⁷ Not all of the 'Montenegrins' from this category believed that 'Montenegrin' and 'Serb' were mutually exclusive. For more details on Montenegrin identity see Morisson 2009.

¹⁸ This is particularly true in culturally more diverse successor states of the former Yugoslavia – Bosnia and Herzegovina, Macedonia and Montenegro. Voting along ethnic/national lines also happens with minority communities. For more details see Stojarovà & Emerson 2010.

who could not) take part in these election rounds shows the relation between the legal, political, and identity layers of citizenship. That is, the regulation of active participation in the new state retained certain barriers from the pre-referendum period. The identity debate decreased in intensity after 2006, but some of its elements remained significant in the subsequent election rounds (e.g. state symbols, the national anthem, etc.). The debates over the aspects of the state that are related to identity gain salience in elections, when active citizenship (participation) becomes an identity marker (voting for a certain party).

Given the complex political milieu in Montenegro, participation becomes inextricably related to voting arithmetic. Owing to the small size of Montenegro, individual votes count more as a percentage of the overall citizenry than they would in a more populous country.¹⁹ For that reason, the constitutional provisions regulating suffrage contain a barrier to the exercise of voting rights. On the one hand, the Constitution of Montenegro guarantees universal suffrage to the citizens (*državljeni*) of Montenegro who have reached 18 years of age. On the other hand, the Constitution also stipulates a two-year residence requirement in Montenegro in addition to Montenegrin citizenship as a prerequisite for voting rights (art.45). This provision has been criticised by the Organization for Security and Co-operation in Europe-Office for Democratic Institutions and Human Rights (OSCE-ODIHR) as a limitation on fundamental rights in the Constitution, because ‘the right to elect and be elected should be granted to all citizens as a fundamental human right, and any practical considerations for the implementation of this right should be addressed in legislation’ (2009: 3).

In view of this, the 2007 Constitution of Montenegro made a departure from the 1992 Constitution. Art. 32 of the 1992 Constitution stipulated that electoral rights were granted to citizens (*građani*) of Montenegro, with no provision connecting residence to the exercise of electoral rights. The difference in the regulation of political participation has certainly been induced by the internal Montenegrin divisions and the quest for statehood. In fact, the Law on the Registry of Residence and Temporary Stay of 2005, in force at the time of the adoption of the 2007 Constitution, defined the category of citizen (*građanin*) as the ‘Montenegrin citizen (*državljanin*) and the citizen (*državljanin*) of the other member state,²⁰ with residence in the Republic of Montenegro’ (art. 5). The main difference between the two legal orders is the definition of the concept of citizenship, which mirrored the political context in Montenegro. In practice, in line with the 1992 Constitution, and the election legislation in force at the time when Montenegro was a party to the State Union, citizens (*državljeni*) of Serbia resident in Montenegro were included in the register of electors.

¹⁹ On 23 May 2010, the number of electors in Montenegro was 494,289 (CDT 2010).

²⁰ In 2005, Montenegro was a member state in the State Union of Serbia and Montenegro. The state formally dissolved on 3 June 2006.

This issue affected the first two elections – the presidential of 2008 and the parliamentary of 2009 - that took place after the adoption of the Constitution of Montenegro. In 2008, electoral legislation was not fully in line with the new Constitution (OSCE 2008). Consequently, citizens (*državljeni*) of the other successor states of the former Yugoslavia residing in Montenegro were given voting rights. According to OSCE (2008), the Register of Electors contained approximately 25,000 Serbian citizens residing in Montenegro. In order to avoid criticism from the international actors for disenfranchisement of voters in the post-independence period, the parliament opted to extend the implementation of the Law on the Register of Electors of 2000. However, no new registrations of electors on grounds of this law were allowed, and all appeals on these grounds were rejected by the Administrative Court (OSCE 2008).

Even so, the need to harmonise the laws adopted when Montenegro was a part of the common state with Serbia with the new Constitution gave birth to the new Law on the Register of Electors, a few weeks after the presidential elections of April 2008. The new law was in line with the Constitution in that it provided voting rights to citizens (*državljeni*) of Montenegro, with residence in Montenegro for two years. Immediately after the adoption of the 2008 Law on the Register of Electors, municipal authorities disenfranchised voters who did not have Montenegrin citizenship (*državljanstvo*), but who were registered electors as citizens (*građani*) with permanent residence in Montenegro. This caused a fierce reaction on the part of the Montenegrin opposition, who deemed this to be a part of the government's strategy to remain in power (SNP 2008). The Administrative Court ruled that the disenfranchised voters should be reinstated in the register of electors. The Court stated that art. 6, para. 2 of the 2008 Law on the Register of Electors which was cited by the municipalities as the basis for disenfranchisement regulated the matters related to the inscription of voters in the register of electors. The same provision, however, did not grant the municipalities the power to delete electors who do not possess Montenegrin citizenship (Administrative Court, 1329/2008).

As a consequence of the tension between the government's attempts to put an emphasis on the independent statehood of Montenegro by granting the right to participation only to citizens (*državljeni*), the challenge of implementing such endeavours, and the risk of criticism by the international actors because of actions taken to disenfranchise electors, in practice citizens of the other successor states of the former Yugoslavia were able to vote in 2008 and 2009, along with a number of people with unknown citizenship (OSCE 2009). However, no new inscriptions in the Register of Electors have been allowed for people resident in Montenegro, but who do not have Montenegrin citizenship. This created a misbalance of voting rights in the country. That is, there are people who have obtained voting rights in line with the previous legislation and who would not have been removed from the register of electors. At the same time, there are people who were not granted voting rights, because they do not have Montenegrin citizenship after the adoption of the new

Law.²¹ This misbalance of voting rights created a political debate that was eventually translated into legislation. In terms of electoral laws, it has been decided that the voting rights should only be granted to Montenegrin citizens (*državljani*), but that there should be a transition period for the prospective citizens of Montenegro to regulate their status (*Pobjeda* 3 February 2010). The latter aspect of this debate was enshrined in the 2010 Law on Amendments and Addenda to the Montenegrin Citizenship Act as an extension to the deadline for naturalisation of citizens from the successor states of the former Yugoslavia stipulated in art. 41 (see Džankić 2010). Hence, the case of Montenegro shows the inextricable links between the different layers of the notion of citizenship: regulation, participation, and – through participation – identity.

3.2 Citizenship and the Others: Minorities, Displaced, IDPs

According to the 2007 Constitution, citizenship in Montenegro denotes the relationship between individuals and the state, rather than national or ethnic belonging. This is an important aspect of the concept of citizenship in the context of Montenegro, where no ethnic or national group forms the majority.²² The 2007 Constitution identifies ‘nationalities’ and ‘national minorities’ in Montenegro as ‘Montenegrians, Serbs, Bosniaks, Albanians, Muslims, Croats, and others, loyal to a civic and democratic Montenegro’. It envisages the protection of human and minority rights in line with international standards, along with ‘authentic representation’ of minorities in the Parliament of Montenegro and other institutions of local administration where minorities form a significant portion of the population (art. 79).

The latter provision generated an ongoing debate in Montenegro as to how to define ‘authentic representation’. The Montenegrin electoral system is based on proportional representation, with special provisions for representatives of the Albanian minority. In the unicameral Parliament of Montenegro, 76 out of 81 representatives are elected on grounds of the overall electoral results in Montenegro.²³ Five seats are allocated - according to special rules – on basis of election results in areas predominantly inhabited by the Albanian minority. The Election Law adopted in 1998, prior to the parliamentary elections, guaranteed the Albanian minority five seats in the republic’s Assembly, and a variant of this

²¹ For example, two people, who are not citizens of Montenegro but have residence therein, may have obtained voting rights in line with the old legislation. Their children, who fulfil the age criterion after the adoption of the new law, will not be inscribed in the Register of Electors, as they do not have Montenegrin citizenship.

²² According to the most recent Population Census (Monstat 2003), the major group in Montenegro are Montenegrians (43.2 per cent), followed by Serbs (32 per cent), Bosniaks (7.8 per cent), Albanians (5 per cent), Muslims (4 per cent), Croats (1.1 per cent), and Roma (0.4 per cent).

²³ The Montenegrin electoral model uses D’Hondt formula for seat allocation, which favours major parties and coalitions. The variation of the D’Hondt formula applied in Montenegro requires the parties to reach a threshold of three per cent of the votes cast for entering the parliament.

provision has been retained ever since. Nonetheless, the concerns over 'authentic representation' have been raised by other minorities, such as Serbs, Bosniaks and Muslims.

As a consequence of this debate, arts. 23 and 24 of the 2006 Law on Minority Rights and Freedoms - which stipulated that minorities comprising between one and five per cent of the overall population would be represented in parliament by one seat, and minorities numerically exceeding five per cent would be guaranteed three seats in Parliament – have been abolished by the Constitutional Court of Montenegro, following an appeal by the People's Party (NS). The NS maintained that the equality of citizens is disrupted by such a provision and that this positive discrimination provides a favourable position for Albanians in Montenegro (*Vijesti* 12 July 2006). The Court ruled that the provisions granting minorities collective electoral rights, instead of individual, are not in line with the 1992 Constitution of Montenegro that was in force at the time. However, the Court emphasised that the decision to abolish articles 23 and 24 of the Law on Minority Rights and Freedoms did not preclude the possibility that the future Constitution of Montenegro²⁴ stipulates special electoral rights for minorities, which would subsequently be elaborated in more detail in laws (*Vijesti* 12 July 2006). The decision was based on the assertion of the Court that the constitutional definition of minority rights prior to the adoption of the Law on Minority Rights and Freedoms would offer a better protection of minority rights, as they would not be dependent on the balance of political parties in parliament.²⁵

At present, the votes of the Serbs are spread among the opposition parties, while Nova (formerly SNS) presents itself as the party representative of Serb interests in Montenegro.²⁶ Bosniak and Muslim voters are either represented through the DPS-led coalition,²⁷ which has a multiethnic platform and by the Bosniak Party that currently holds one seat in the Parliament of Montenegro. The Croat population of Montenegro is represented by the Croatian Civic Initiative (HGI), which is a minor partner of the governing coalition. Thus, ostensibly, the participatory element of

²⁴ The 2007 Constitution was not in force at the time.

²⁵ The 2007 Constitution of Montenegro stipulates that 'special measures aimed at ensuring national, gender, and other equality and the protection of people in an unequal position on any grounds are not considered discriminatory' (art. 8)

²⁶ Nova is not the only party that attracts the votes of the Serbs in Montenegro. However, at present, it is the second largest opposition party in the parliament in Montenegro (after SNP).

²⁷ At the beginning of the 1990s, when the undivided DPS sided with the regime in Belgrade during the war in Bosnia, most of the Bosniaks and Muslims supported their ethnic Party of Democratic Action (SDA). The united DPS was never able to capture the minority votes, owing to its involvement in the former Yugoslav conflicts, which in Montenegro included the kidnapping and deportation of 18 Bosniaks/Muslims and one Croat in 1993. When the leadership of SDA was arrested in 1993, SDA's votes scattered to minor International Democratic Union (IDU), Bosniak Democratic Alliance (BMS) and Party of Democratic Equality (SNR). A share of SDA votes was also directed towards and went to the pro-independence, anti-war parties such as the SDP and LSCG. In February 2006, these parties merged into Bosniak Party (BS). (see Šiška & Dimitrova 2002: 159-190).

citizenship reveals that the minority voting along ethnic cleavages is not high in Montenegro, bar the Albanian population. However, the voting of the members of minority communities has, so far, followed the lines of the statehood and identity division from the pre-referendum period. The Serb minority has predominantly supported the pro-Serb opposition parties; Bosniak and Muslim minority have largely voted either for the governing pro-independence coalition or the Bosniak Party; and the Croat minority have gained a representative through their participation in the governing coalition. The Albanian population in Montenegro votes along ethnic lines, due to the specificities of the electoral system, and the particularities of language and culture.

The 2006 Law on Minority Rights and Freedoms stipulates the direct link between citizenship and minorities. Pursuant to art. 2 of the Law, a minority is defined as 'a group of citizens of Montenegro, fewer in numbers than the prevailing population, who have common ethnic, religious, or linguistic characteristics, different from the remaining population, who are historically connected to Montenegro and who are motivated by the desire to preserve national, ethnic, cultural, linguistic and religious identity'.²⁸ The relationship between citizenship and minority status places the Roma, Egyptian and Ashkali (RAE) population in a peculiar legal situation.²⁹ It reveals the difference between two RAE groups – domicile RAE and internally displaced persons (IDP) RAE. The domicile RAE have been living in Montenegro for generations (Zeković 2006; Delić 2008), have Montenegrin citizenship, and thus the status of minority in Montenegro. According to the 2003 population census, the domicile RAE form less than 0.5 per cent of the population in Montenegro (Monstat 2003). As a result of the small formal number of the domicile RAE population, they are not listed in the preamble of the 2007 Montenegrin Constitution, but are included in the definition of 'other citizens'. By contrast, IDP RAE are those members of RAE population who have come to Montenegro during the Kosovo crisis in 1998 and 1999. They are not citizens of Montenegro, and thus are not covered by the scope of the definition of minority. According to an interview with Slobodan Raščanin, the Senior Protection Clerk at UNHCR Montenegro,³⁰ the exact numbers of IDP Roma are difficult to determine. The official data of the government state that the number of IDP Roma is 10, 951

²⁸ The Law on Minority Rights and Freedom makes no mention of other minority groups, such as religious, sexual or other minorities. Art. 1 of the Law defines 'minority' as 'minority peoples' or 'other minority national communities', which marks belonging in an ethnic and national sense. The Law also stipulates the right to establish 'minority councils' (art. 33), the elaboration on which falls beyond the scope of this paper. Author's translation.

²⁹ The socio-economic position of RAE in Montenegro is similar to their position in the other former Yugoslav countries. Most of them live in the outskirts of the cities, receive poor formal education, and hardly take part in politics. The Government of Montenegro has adopted several instruments for enhancing the position of RAE population in Montenegro, including the Strategy for Minority Policies.

³⁰ Interview with Slobodan Raščanin, the Senior Protection Clerk at UNHCR Montenegro, Podgorica, 1 July 2010.

(*Informacija o preregistraciji* 2009), but several local and international organisations have reported that the actual number of Roma is higher by several thousand (Roma Education Fund 2009: 11). The complexity of their legal status is elaborated in the following sections of the paper.

3.2.1 Displaced and internally displaced persons in Montenegro

A large number of people settled in Montenegro after fleeing the conflicts in the former Yugoslavia. Their status and access to Montenegrin citizenship are still a matter of political debates. The people who have fled the successor states of the former Yugoslavia during the conflicts in the early 1990s, or the conflict in Kosovo in 1998 and 1999, are not covered by the scope of the definition of refugee in the Montenegrin legal system.³¹

The Decision on the Temporary Retention of the Status and Rights of Displaced and Internally Displaced Persons in the Republic of Montenegro of 20 June 2006 stipulates that 'displaced persons from the former Yugoslav republics whose status was determined on the basis of the Decree on the Care of Displaced Persons (Official Gazette of the Republic of Montenegro 37/92), and internally displaced persons from Kosovo for whom status was determined by the Commissariat for Displaced Persons of the Republic of Montenegro will temporarily retain the status and rights in the Republic of Montenegro that they had on 03 June 2006' (art. 1). In light of the need to resolve the matter of status of 24,019 persons registered as displaced persons and IDPs in Montenegro (UNHCR 2010), in October 2009, the government has adopted the Action Plan for the Resolution of the Status of Displaced Persons from the Former Yugoslav Republics and IDPs from Kosovo Residing in Montenegro. As a consequence of the action plan, the amendments and addenda to the Law on Foreigners (Official Gazette of Montenegro 72/09) enable displaced persons and IDPs to register as 'foreigners with permanent stay' in Montenegro, thus making them 'denizens' in light of Hammar's (1990: 15) definition of the term. This provision grants them a prospect of Montenegrin citizenship, following the expiry of the legal deadline of ten years of residence, and subject to other conditions stipulated in the 2008 Montenegrin Citizenship Act.

The major problem with the new regulations is the requirement for re-registration of those displaced persons and IDPs who do not have 'residence' in Montenegro, but only 'temporary stay'.³² That is, persons who have lived in

³¹ The 2006 Law on Asylum defines a refugee as a 'foreigner who, due to reasonable fear of persecution on grounds of his or her race, religion, nationality, belonging to a certain societal group or political conviction, is not in his or her state of origin and is unable or fears to be protected by that state, or a stateless foreigner displaced from the state in which he or she permanently resided who can not, or fears to return to his or her state of origin' (art. 4).

³² Residence (*prebivalište*) is defined as the place of permanent stay, while (*boravište*) denotes temporary stay. Residence needs to be formally registered with the Ministry of Interior. The legal differences between the procedures of registering residence and temporary stay have proven to be a barrier to

Montenegro ever since their departure from their state of origin (which may have occurred up to twenty years ago) will be required to reside for another ten years in Montenegro before being able to obtain Montenegrin citizenship if they have registered 'temporary stay' in Montenegro. By contrast, pursuant to the most recent amendments and addenda to the 2008 Montenegrin Citizenship Act, the citizens of the former Yugoslav republics, who have registered 'residence' in Montenegro before 03 June 2006 did not need to fulfil the ten year residence criterion (art. 41, art. 41a), provided that they do not have the citizenship of their state of origin and that they submit their application for naturalisation within a deadline³³ prescribed by the law (see Džankić 2010).

The political issues related to the acceptance of displaced persons and IDPs into the citizenship of Montenegro are likely related to the need to politically consolidate the newly established state. That is, any significant increase in the number of voters would seriously affect the voting arithmetic in Montenegro.³⁴ The majority of the displaced persons are of Serbian ethnic origin and thus likely to support the opposition parties. The situation of 10,951 IDPs is quite similar, although it appears different (*Informacija o preregistraciji* 2009). The majority of IDPs have declared their ethnic belonging as 'Montenegrin' (3,683), followed by the IDP RAE population (3,106), and 'Serb' (2,728). Ostensibly, the ethnic composition of the IDPs might imply that only the 'Serb' IDPs would be supportive of the opposition. Still, it is likely that many of the 'Montenegrin' IDPs would not support the government. This is mostly due to their association with Kosovo whose independence is recognised by Montenegro, but is still challenged by the Montenegrin opposition parties.

However, the provisions stipulated in the Law on Foreigners also have a positive aspect in light of reducing the social vulnerability of displaced persons and IDPs. A survey conducted by the United Nations Development Programme (UNDP) revealed that 'many Roma, but also refugees and IDPs live under the poverty line, in numbers indicating that their economic and social situation is considerably more reprehensible than that of the domicile non-Roma living in their proximity' (2006: 39). Thus, the acquisition of the status of being a 'foreigner with permanent stay' in Montenegro would grant the displaced persons and IDPs a series of rights, including the right to employment, education, and social welfare, thus improving their socio-economic position.

citizenship to a number of displaced persons and IDPs (see e.g. EUDO Case Law on Montenegro 2010).

³³ The initial deadline was one year from the date when the 2008 Montenegrin Citizenship Act entered into force. The 2010 amendments and addenda to this Law extend the deadline to 5 May 2011, provided that the individuals have not unregistered their 'residence' in Montenegro (art. 41a).

³⁴ This would be the case even though the participation in elections is limited by the two year residence criterion, as voting preferences are unlikely to suffer a major shift.

3.3 Dual citizenship

The division over statehood and identity in Montenegro, coupled by the overall political context in the Balkans made the debate on the issue of dual citizenship in Montenegro politically sensitive. In explaining the complexity of multiple nationality, Boll (2008) uses Bar-Yaacov's paradigm of citizenship as a merger of practical and emotional realms, which reveals the lineages between the different aspects of citizenship – political, legal, and identity/emotional – employed in this study. Within this paradigm (Bar-Yaacov in Boll 2008: 215), citizenship not only denotes the legal relationship between the individual and the state – thus matters of access, status, and participation; but also, it implies the emotional affiliation of the individual with the state – a matter of loyalty to the state. That is, dual or multiple citizenship affects the lineages of citizenship, in that it changes the relationship between the state and the individual (Boll 2008: 11). Dual or multiple citizenship raises concerns over matters of status, access and participation as the acquisition of citizenship of the second state may dilute the individual's relationship with their state of origin.³⁵ A further issue that arises as a result of dual citizenship is whether an individual can qualify as loyal to multiple states at the same time. In the context of Montenegro's relationship with Serbia in particular, dual citizenship is not only related to participation as argued by Džankić (2010), but also raises issues of loyalty to the newly established Montenegrin state.³⁶

The issues related to dual citizenship are rather complex in the majority of the successor states of the former Yugoslavia (Ragazzi & Štiks 2009), and the legislation is quite often ambiguous as to whether dual citizenship is possible or not. Art. 2 of the Citizenship Act notes that 'a Montenegrin citizen holding at the same time also the citizenship of a foreign country' will be considered a Montenegrin citizen when dealing with Montenegrin authorities. This provision implies that it is possible to hold multiple citizenships, including a Montenegrin one. However, the restrictive Montenegrin citizenship regime allows dual citizenship only in certain limited circumstances (see Džankić 2010). In the majority of cases, a foreign citizen is requested to obtain release from his or her other citizenship in order to obtain the Montenegrin one (art. 8, para. 2). The requirement to obtain release from one's citizenship of origin, in the Montenegrin context, supports Bar-Yaacov's observations presented above (Bar-Yaacov in Boll 2008: 215).

Even so, in line with the current legislation (Law on the Implementation of Constitution of Montenegro 2007, art. 12) citizens of Montenegro who possessed dual citizenship on the day of proclamation of Montenegro's independence (3 June 2006) are allowed to retain their Montenegrin citizenship.³⁷ In addition, the 2008

³⁵ As Boll (2008) claims, many people possessing multiple citizenships use only one as their primary citizenship, i.e. their 'active citizenship'.

³⁶ For the divisions over Montenegrin statehood and identity, see chapter 2 of this paper.

³⁷ Citizens who acquired dual citizenship between 03 June 2006 and the date of adoption of the Constitution of Montenegro (22 October 2007) were allowed to retain their Montenegrin citizenship

Montenegrin Citizenship Act stipulates that dual citizenship is possible upon the conclusion of an international agreement between Montenegro and another country. So far, Montenegro has only concluded a dual citizenship agreement with Macedonia.³⁸ The negotiations for a dual citizenship agreement with Serbia have been ongoing for more than a year, and show the unconsolidated nature of the overall Montenegrin political context. That is, the issues of participation (political and legal aspects of citizenship) and loyalty (emotional aspect of citizenship) are reflected in the different approaches of Montenegro and Serbia to dual citizenship. While the former has a restrictive policy of dual citizenship, the latter has a liberal one. In the context of Montenegro, it may be argued that the restrictiveness of the citizenship regime is a means of consolidating (or at least covering) the internal divisions over Montenegrin statehood, while retaining the present voting arithmetic. In the case of Serbia, the liberal dual citizenship regime was primarily adopted as a means of resolving the issue of statelessness (Rava 2010: 27-28). However, it is also related to matters of Serbia's political influence in the region, especially in the neighbouring countries with a significant Serb population (see Rava 2010).

Further provisions related to dual citizenship are found in arts. 10, 11, and 12 of the 2008 Citizenship Act, which define other categories of people who are not required to submit a release from their original citizenship when being admitted into Montenegrin citizenship. These include expatriates, who are subject to the requirement of legal and uninterrupted residence of two years (art. 10), spouses of Montenegrin citizens subject to legal and uninterrupted residence of five years (art. 11),³⁹ and persons whose admission to Montenegrin citizenship is of the benefit of the state for scientific, economic, cultural, economic, sports, national or other reasons (art. 12). The category of people covered by the scope of art. 12 is not bound by the residence requirement. Rather, the final decision to grant the Montenegrin citizenship in such instances is a discretionary power of the Ministry of Interior.

Art. 12 of the Montenegrin Citizenship Act has recently generated a wide public debate (*Vijesti*, 10-14 August 2010). In June 2010, the government of Montenegro has adopted the Decision on the Criteria for Determining Scientific, Business, Economic, Cultural and Sports Interest of Montenegro for the Acquisition of Montenegrin Citizenship by Admission. Apart from laying out in more detail the conditions for the acquisition of citizenship on grounds of scientific, cultural, economic, or sports interest of Montenegro, the aforementioned decision establishes the category of 'citizenship-by-investment'. Montenegrin 'citizenship-by-investment' is available to those individuals who have invested in Montenegro's economy, or donated funds to Montenegro. Pursuant to the decision, such persons should be 'established experts or investors of undoubted international reputation' (art. 3).

until the signature of the agreement on dual citizenship between Montenegro and the respective state, and at the latest for one year from the date of the adoption of the Constitution (that is, until 22 October 2008).

³⁸ This agreement does not regulate matters of naturalisations after 3 June 2006 (see Džankić 2010).

³⁹ Provided that marriage has lasted for at least three years.

Following the scrutiny of an independent consultancy agency and an opinion of the Ministry of Finance, individuals who invest 500,000 euros in Montenegro will qualify for 'citizenship-by-investment' (see Džankić 2010). While the establishment of 'citizenship-by-investment' is consistent with the government's course of opening up Montenegro's economy to foreign investment, it also causes ambiguities in terms of status, participation and identity.

A particularly problematic aspect of 'citizenship-by-investment' is the absence of any residency requirement. By contrast, the residence requirement has proven problematic particular as regards displaced persons and IDPs. As outlined in the previous sections of the paper, the issue of naturalising a significant number of displaced persons and IDPs that are currently in Montenegro has implications on both voting arithmetic (political aspect of citizenship), and on group membership (emotional link with the state, loyalty). However, naturalisations on grounds of art. 12 are unlikely to be as common, and the attachment of such individuals to Montenegro would be of a business nature. Consequently, such individuals are unlikely to take part in the political life of the country (i.e. to be active participants) and it is assumed *ex ante* that their primary attachment is not to Montenegro.

The most cited naturalisation pursuant to art. 12 in Montenegro occurred in 2009 and concerns Taksin Shinawatra – the former Prime Minister of Thailand who was convicted of corruption in his country of origin – based on his planned investment in Montenegro's tourism. Apart from raising concerns over the process of naturalisation under art. 12 (see Džankić 2010), the case of Shinawatra is also an example of the complexity of the duty of the state vis-à-vis its citizen. According to Boll (2008: 137), 'the state has the general right to refuse to extradite its nationals', and that has been the practice in many states worldwide. The 2007 Constitution of Montenegro stipulates a prohibition on the extradition of Montenegrin citizens, unless there is an international obligation on the behalf of Montenegro to do so (art. 12).⁴⁰ That is, should the extradition of Shinawatra be requested from Montenegro, Montenegro would have the duty to protect him as a citizen, which raises a number of ambiguities related to this type of naturalisation (see Džankić 2010).

4 Mobility and the Europeanisation of Citizenship

At the time of post-communist transitions, equally marked by an accelerated dynamic of the development of the EU, the concept of Europeanisation has become

⁴⁰ Out of the successor states of the former Yugoslavia, only Macedonia has a full prohibition. Slovenia has amended its Constitution, and it may extradite or surrender its nationals only if obliged by a 'treaty by which, in accordance with the provisions of the first paragraph of art. 3a, Slovenia has transferred the exercise of part of its sovereign rights to an international organisation' (art. 47). Until the change of the Constitution of the Republic of Croatia of 12 June 2010, this country also had a full prohibition of extradition. At present, the Croatian provision related to extradition corresponds to the Montenegrin one.

central to many debates in social and political science. Similar to the concept of citizenship, Europeanisation also exhibits a multivalent character (Cowles & Caporaso 2000; Grabbe 2001). That is, Europeanisation as a process of adaptation of the Member States to the ever-changing dynamics of the Union (Radaelli 2000) differs significantly from Europeanisation as a catalyst for institutional and social change in the societies undergoing political transformation to democracy (Noutcheva & Emerson 2004). In the latter case, which is of major significance for the Western Balkans, the EU becomes a norm-exporter towards an area in which its foreign policy effectively failed in the early 1990s (Edwards 1997). The Thessalonika Agenda of 2003 established the prospect for the region to become integrated in the EU. A further approximation of the EU to the region took place in 2005, when the management of the Stabilization and Association Process (SAP) for the Western Balkans was transferred from DG Relex to DG Enlargement.⁴¹ Procedurally, the shift of competence in administering the approximation of the Western Balkans to the EU had no major effect for the aspiring members. Meeting the conditions for accession and 'Europeanising' domestic policies remains a challenge and bears both negative and positive effects in the region.

4.1 Borderless Europe, Border-more Balkans

The processes that leading to visa liberalisation provided a push to the countries of the Western Balkans –including Montenegro – to stabilise their political systems. Visa liberalisation has proven to have been one of the most successful 'mechanisms of change' (Radaelli 2000: 15) that the EU applied in the case of the Western Balkans. At the same time, it generated a series of negative consequences. First, the visa regime not only hardened the border between the EU countries and the successor states of the former Yugoslavia, but it also affected the emotional aspect of the link between citizens and their respective polities. Second, the fulfilment of the conditions envisaged in the roadmaps for visa liberalisation had a negative effect on non-citizens, i.e. people whose citizenship status is lingering as a consequence of the disintegration of the former Yugoslavia. Third, the difference in the stages that these countries are at and the exclusion of Bosnia and Herzegovina, Albania, and Kosovo from visa liberalisation in the first instance hardened the inter-state borders in the region, thus obstructing the optimisation of good-neighbourly relations that are a precondition for the accession to the EU. Therefore, although the concept of visa free travel was intended to erase the borders among European countries, it redrew many dividing lines among the successor states of the former Yugoslavia encapsulating them in the 'border-more Balkans'.

⁴¹ Despite the creation of the European External Action Service (EEAS), following the EU post-Lisbon agenda, the administration of the issues related to the accession process of the Western Balkans will still be a competence of DG Enlargement. However, EEAS will have desk offices for the Western Balkans which will be subsidiary to DG Enlargement (Council of the EU 2009, 14930/09).

The importance of visa-free travel in the successor states of the former Yugoslavia is not only related to the pragmatism of travel. Rather, it has a historical and emotional dimension, since the citizens of the socialist Yugoslavia enjoyed the visa-free travel both to the communist east and to the countries of the European Economic Community (EEC).⁴² As a result of the series of violent conflicts, the citizens of the successor states of the former Yugoslavia lost their privilege of visa-free travel. The subsequent initiation of the Stabilisation and Association Process (SAP) in 1999 offered these countries a prospect of a European future. Yet, Council Regulation 539/2001 of March 2001 blurred the euphoria over the integration in a broader European family, as it placed the new Balkan States (apart from Slovenia and Croatia) and Albania on a 'Black List' (list of countries whose citizens needed a visa to cross an external border of the EU).

The requirement to obtain visas to travel to the EU had several implications for the citizens of Montenegro. First, in the years of existence of the common state with Serbia, the majority of the consular offices⁴³ were situated in Belgrade. This increased both the time and the cost of obtaining the visa, and thus prevented many people from travelling.⁴⁴ Second, the inability of the people to travel manifested itself as the entrapment in the 'Balkan ghetto' (ICG 2005: 11) and adversely affected the link between the state and the citizen.

As the visa requirement separated those who were 'worthy' from those who were 'unworthy' of crossing an EU border (ICG 2005), citizenship became the primary determinant of whether an individual was subject to the visa requirement or not. In the case of Montenegro, the republican citizenship (until 2006) did not have an effect on the acquisition of visas; rather, the passports were the FRY ones and all of the EU's regulations that applied to the common state were applicable to Montenegrin citizens. Consequently, a twofold sense of 'unworthiness' was generated in light of the divide over Montenegrin statehood. The supporters of Montenegrin independence viewed the FRY as the cause of the visa requirement and further detached from it, because they believed the country 'unworthy'. The supporters of the common state with Serbia did not establish a firm link with Montenegro in this respect, due to the absence of consular offices or any separate procedures for visas for Montenegrin citizens. These detachments manifested themselves as borders between individuals, their communities of sentiment, and their communities of law.

⁴² The European Union (EU) came into being only after the Maastricht Treaty of 1992. Thus, as the EU did not formally exist during the existence of the former Yugoslavia, EEC is a more appropriate term here.

⁴³ Apart from Italy that had a consulate in Bar (later transferred to Podgorica). In 2008, a joint Application Centre for the Schengen States was opened in Podgorica.

⁴⁴ According to the ICG (2005: 9), the 'combined cost of the visa fee, travel insurance, translation and notarisation of the documents and possible consulate appointment and phone calls' amounted to an average month's salary.

Equally, the process of abolishing visas had a serious effect on the non-citizens in Montenegro. When the Thessalonika Agenda (2003) stipulated the prospect of visa liberalisation for the Western Balkans, cooperation in the area of justice and home affairs was considered a priority. Montenegro, alongside the other successor states of the former Yugoslavia, was considered a soft security threat for the EU, i.e. a transit route for illegal immigrants and countries related to organised crime (Schleter 2003: 7). As a consequence, the EU's Roadmap towards a Visa Free Regime with Montenegro (2008) included specific requirements related to document security, tackling illegal immigration, readmission, asylum policy, public order, judicial cooperation in criminal matters, and non-discrimination in ensuring its citizens the freedom of movement. Two of these requirements resulted as rather problematic in view of the Montenegrin citizenship regime. The combination of the requirement for biometric documents⁴⁵ and the requirement related to non-discrimination had several effects in Montenegro.

People who previously possessed the documents of the FRY but who were not registered as residents of Montenegro were unable to obtain Montenegrin citizenship (and thus Montenegrin identification documents). A number of citizens of the successor states of the former Yugoslavia had this status, owing to the poorly kept registries during the socialist period, a problem analysed in detail by Štiks (2006). Even so, the group of people that was affected the most by the need to obtain identification documents were the IDPs (and in particular the Roma, Egyptians and Ashkali who fled Kosovo in 1998 and 1999) (CoE 2008: 12). At the time of their arrival in Montenegro, this group of people possessed the FRY documents, and in order to qualify for the Montenegrin citizenship (provided they fulfil other requirements stipulated in art. 8), they would need to obtain further documents from the citizenship registries in Kosovo or in Serbia. According to the personal stories collected by UNHCR in Montenegro (2009), and the fieldwork for this paper, most of these registries have been destroyed.⁴⁶ As a consequence, many people who fled from Kosovo in 1998 and 1999 are unable to obtain the citizenship of either Montenegro or Serbia, which has an exclusionary effect on a socially vulnerable group.

An additional problem, which predominantly affects the RAE population, is the cost of obtaining the documents required in order to initiate the procedure for the admission into Montenegrin citizenship. The RAE people who do not fall under the category described above, and whose documents have been preserved, are unable to cover the costs of the administrative procedures related to the collection of information from civil registries from Serbia or Kosovo.⁴⁷ This de facto excludes them

⁴⁵ The requirement to change documents was generated also by Montenegrin independence. Thus, it is appropriate to assert that the repercussion created by this requirement has been a combination of Montenegrin independence and EU requirements.

⁴⁶ Interview with Slobodan Raščanin, the Senior Protection Clerk at UNHCR Montenegro, Podgorica, 1 July 2010; Interview at Pravni Centar NGO, Podgorica, 6 July 2010.

⁴⁷ Interview with Slobodan Raščanin, the Senior Protection Clerk at UNHCR Montenegro, Podgorica, 1 July 2010; Interview with Ana Selić, CEMI NGO, Podgorica, 2 July 2010.

not only from the Montenegrin citizenship, but also from obtaining the minority status and exercising minority rights, as the two are related by law. Hence, the formal requirements of the EU had a spill over effect in that they created impermeable borders for the acquisition of citizenship for the ones who were affected the most by the wars of the Yugoslav disintegration.

The final border that has been created by the process of establishing the visa free regime was the one between the 'worthy' and the 'unworthy' of visa free travel in the first instance.⁴⁸ The decision to amend the Council Regulation 539/2001, and grant visa free travel to Macedonia, Montenegro and Serbia⁴⁹ excluded from visa-free travel Bosnia and Herzegovina, Albania, and Kosovo. Two sets of issues arose from this factual separation of these countries. First, the countries that continued to require visas for travel effectively remained enclaves surrounded either by EU Member States or by countries with visa free regime. As a consequence, the perception of inter-state borders hardened in the sense of the clear delineation of the countries lagging behind in the process of EU integration. The second set of issues is more directly related to the possession of citizenship. Clearly, the citizenship of Macedonia, Montenegro and Serbia (and Croatia) provided the entitlement to visa free travel as of December 2009. Thus, a situation emerged in which people would acquire the citizenship of these countries out of convenience, as previously were the cases of Macedonians obtaining Bulgarian citizenship (Spaskovska 2010: 26; Spaskovska 2010a: 25), or citizens of Bosnia obtaining the Croatian one (Sarajlić 2010a: 11-12; Ragazzi & Štiks 2009: 344-345). Due to the restrictive Montenegrin citizenship regime, this issue did not emerge at a large scale. However, in the cases of people seeking Montenegrin citizenship along these lines, the political, legal and emotional aspects of citizenship became bifurcated between their state of origin and Montenegro.

4.2 The unbearable lightness of Europeanisation

As noted previously in this paper, the process of Europeanisation is largely understood as the countries' adaptation to EU norms and standards. However, the adaptation to the requirements of accession is premised upon the observance of the rule of law and human and minority rights, in line with international standards. The consequence of the internationalisation of the mechanisms for the protection of these rights have equally internationalised the process of Europeanisation. That is, not only is Europeanisation accomplished by direct observance of EU norms enshrined in the Union's *acquis*, but also by adherence to standards of other international organisations, such as the Council of Europe.

⁴⁸ It is likely that Bosnia and Herzegovina and Albania will meet the benchmarks for visa free travel by late 2010.

⁴⁹ Without Kosovo under UNSCR 1244.

In terms of the recent changes in the citizenship regime in Montenegro, it is clear that the legislative framework of the Council of Europe has had a major effect. On 28 April 2010, Montenegro ratified the Council of Europe's Convention on the Avoidance of Statelessness in Relation to State Succession, with effect from 1 August 2010. Coupled with the most recent changes to the 2008 Citizenship Act (Džankić 2010), the ratification of this convention, which has become *lex specialis* for cases of statelessness, is expected to facilitate the procedure for the admission into Montenegrin citizenship of the people who are de facto stateless. Additionally, on 22 June 2010, Montenegro ratified the European Convention on Nationality (placing a reservation on art. 16, dealing with dual citizenship), which came into force on 1 October 2010. In the context of the successor states of the former Yugoslavia, Montenegro is the third country to have signed and ratified this convention following Bosnia and Herzegovina and Macedonia, while being the only one to have opted for a reservation on art. 16.

If the 2010 amendments and addenda to the 2008 Montenegrin Citizenship Act are viewed through the prism of the Europeanising power of the Council of Europe, it is clear that changes to arts. 6, 16 and 41 (Džankić 2010) have been driven by the ratification of the Council of Europe's Convention on the Avoidance of Statelessness in Relation to State Succession. These articles aim at preventing the statelessness of children (arts. 6 and 16), and at regulating the status of the citizens of the successor states of the former Yugoslavia resident in Montenegro (art. 41). By the same token, the Europeanising power of the European Convention on Nationality emanates from the change to arts. 8 and 11. The change to art. 8 (military duty and release from citizenship of the state of origin) is evidently related to arts. 21 and 22 of ECN regulating military service in cases of dual nationality. In this respect, as military duty has been abolished in Montenegro, an applicant who fails to obtain release from citizenship of their state of origin as they did not complete the military service in their respective state, will be able to voluntarily denounce that citizenship before Montenegrin authorities prior to their naturalisation. At the same time, the clarification of art. 11 related to the acquisition of the Montenegrin citizenship in cases of spouses of Montenegrin citizens has been influenced by art. 6 of ENC. The adopted amendments of the Montenegrin Citizenship Act take the naturalisation of spouses a step beyond the ECN requirements, by enabling the applicants to be naturalised in cases of death of the spouse possessing the Montenegrin citizenship.

Notwithstanding the effect of other international organisations, the requirements of EU accession have in themselves also induced significant changes to the citizenship regimes of the successor states of the former Yugoslavia. As noted earlier, regional cooperation has been enshrined in the set of criteria these countries have to meet in order to join the EU. However, neither the EU nor the countries concerned have ever defined the scope and the underpinnings of regional cooperation. Certainly, regional cooperation has been driven by the need for transitional justice and reconciliation in an area recently consumed by conflict. In this respect, the relationship between citizenship and extradition is gaining significance

in the context of the new Balkan States aspiring to join the European Union (EU). At present, Montenegro is negotiating extradition agreements with a number of countries from the region.⁵⁰ On the one hand, the state has the duty to protect its citizens. On the other hand, in the context of the Balkans, where facing the past, regional cooperation, and the reduction of trans-border crime are all conditions for entering the EU, extradition becomes an important tool for democratic consolidation and reconciliation among countries.

5 Conclusion

Bellamy (2007: 14) argues that '[t]here has been no single trajectory for the development of citizenship. It has been played out very differently in different states'. This is particularly true for the successor states of the former Yugoslavia, all of which have framed their citizenship regimes within the divergent political, social and economic contexts. Notwithstanding, citizenship policies in Montenegro were a peculiar variant of the post-Yugoslav model, in that citizenship was not a mechanism of ethnic homogenisation (Džankić 2010). Rather, citizenship policies in Montenegro bore many traits of the political environment in which they were adopted, and in which they served as changeable tools of political manoeuvring. That is, the development of the different aspects of citizenship in Montenegro has been framed through the processes of state and nation building in the past two decades.

Montenegro's first independent citizenship regime was established by the 2007 Constitution. The constitutional provisions outline the multivalent link between three different aspects of citizenship: citizenship as status (establishment of citizenship), citizenship as access (rights and interests), and citizenship as means of reinforcing statehood (emphasis on sovereignty, no mention of ethnicity/nationality). The Constitution defined the scope of Montenegrin citizenship, determining who the subjects of the polity are 'in either a passive or an active sense (that is either as merely subjects to its authority or also having certain rights against or over it)' (Bellamy 2007: 8). Subsequently, the legal aspect of citizenship became a prerogative for the exercise of the citizens' rights, including their participation in the political life of Montenegro. The political dimension of citizenship, discernible in active participation, converted the political preferences of the citizens of Montenegro into political power. This active, participatory element of citizenship was of particular significance in Montenegro in terms of revealing the relationship between individuals and their communities of membership. As such, active citizenship

⁵⁰ An Agreement on Extradition has been signed with Serbia in 2009, and has duly been ratified. Art. 8 of the Agreement on Extradition between Montenegro and Serbia prohibits extradition of the country's own citizens. While such a provision is currently subject to negotiations between the two countries (*Vijesti* 16 August 2010).

developed into an identity marker in a society that is still in the process of consolidation of the divisions over the Montenegrin statehood and nationhood.

Citizenship is far from a static concept and it changes in view of both endogenous and exogenous pressures. In the context of the countries aspiring to EU membership, the relationship between the legal, political and emotional/identity aspects of citizenship recalibrates as a result of the dynamics of Europeanisation. Political and economic adaptations to the requirements of accession have indisputably marked the transformation of the successor states of the former Yugoslavia. As a 'fellow traveller' of the attempts to meet the conditions set by the EU, the process of Europeanisation has induced a series of institutional changes in Montenegro. Being related to issues such as judicial cooperation, participation, human and minority rights, the concept of citizenship has become central to the process of socio-political transition.

Transiting 'the European route' has, however, also revealed a major by-product of visa liberalisation Montenegro - access to citizenship. Many people – in particular Roma, but also other residents of Montenegro - discovered that they formally did not possess Montenegrin citizenship, and that they have become non-citizens in a country where they have resided habitually for many years (UNHCR 2009: 24-26; Administrative Court Ruling 108/09). Thus, the most vulnerable groups of society became excluded from the guarantees of status, rights and access enshrined in the concept of citizenship. A further fact that reveals the ambivalent effect of Europeanisation on citizenship is the lifting of the visa requirement for some of the Western Balkans countries, and its retention for others. Although visas are likely to be abolished for Bosnia and Herzegovina and Albania in the following months, the labelling of certain countries as laggards in the process of meeting the EU's conditions solidified inter-regional borders. In that sense, Europeanisation, as a process underpinning the idea of a 'borderless Europe', reinforced the reality of 'border-more Balkans'.

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